IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.936 OF 1999

Rajaram Shankar Dharwat
Age: 43 yrs, r/o.
Industrial Estate, C/o.
Jayanti Sizers, Opp. Venkatesh
Process, Inchalkaranji,
Dist. Kolhapur ....Petitioner.

V/s

1. Ajinkyatara Mahil Sahakari
Bank, Satara,
represented by Shri Pravin
Sulabrao Jadhav, 346, Yadav
Gopal Peth, Satara

2. The State of Maharashtra ....Respondents.

Mr. Ganesh Gole for the petitioner.

Mr. S.D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 12th January, 2006

ORAL JUDGMENT:

1. Heard the learned Counsel for the petitioner and the learned APP for the State.

2. The petitioner is challenging the order passed by the Chief Judicial Magistrate, Satara in Criminal Case No. 5971 of 1997 whereby the application filed by the petitioner for exemption was rejected and non-bailable warrant was issued against him.

3. The learned Counsel appearing on behalf of the petitioner has submitted that the petitioner was threatened by the complainant and there was danger to his life and, therefore, he had made an application for exemption.

4. In my view, the Trial Court ought to have considered the application for the petitioner sympathetically instead of issuing a non-bailable warrant. The said impugned order is, therefore, set aside. The petitioner is permitted to appear in the trial court through his advocate. His plea may be recorded through his advocate and the Trial Court may not insist on the presence of the petitioner unless it is absolutely essential. The Trial Court is further directed to expedite the hearing of the case and decide the same within a period of three months from today unless it is already decided.

5. The Criminal Application is accordingly allowed in the above terms.

V.M. KANADE, J.